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October 5, 2020

By ECF and Email Only (HalpernNYSDChambers@nysd.uscourts.gov)

Honorable Philip M. Halpern
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: (Our File - Zwirn-2)

***U.S. Bank National Association v. Zwirn et al.,
United States District Court, S.D.N.Y.; Civ Action No. 19-cv-10938***

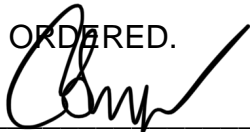
Dear Judge Halpern:

We represent defendants Jeffrey M. Zwirn and Thelma Zwirn in the above-referenced foreclosure action. We request that the conference scheduled for October 15, 2020 be adjourned because it is likely that the action will be settled in a few weeks. Our clients have accepted an offer to sell the property for \$6.5 million. Please see the attached copy of a letter from the broker Atelier WM LLC confirming this. A contract of sale has been drafted and should be signed soon for a closing date in November. It is expected that the sale proceeds will fully satisfy the mortgage. Our clients' preference is to focus their efforts on this expected settlement rather than litigation. The plaintiff has declined to consent to adjourn.

In addition, for the past several months, residential foreclosure actions in New York were stayed by the Governor's executive orders due the COVID-19 pandemic. The moratorium on foreclosures of federally backed loans has been extended to December 20, 2020. On 6/17/20, a new law was passed (Banking Law Section 9-x) which requires NY regulated banks to make applications for a 180-day forbearance for residential mortgages available to mortgagors. Our clients advised us that they did not yet receive their forbearance offer from the plaintiff. If the action is not settled for some reason, the plaintiff should present the Zwirns with a forbearance while this action is held in abeyance. Thank you.

Application denied. The October 15, 2020 conference shall proceed as scheduled.

SO ORDERED.



Philip M. Halpern, U.S.D.J.

Dated: New York, NY
October 6, 2020

Respectfully,
LANIN LAW P.C.



By: Scott Lanin

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